



National Federation
of the Blind

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Marc Maurer, President

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January 19, 2010

Office of the Clerk
J. Michael McMahon
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: The Authors Guild et al. v. Google, Inc.
Case No. 05 CV 8136-DC

Dear Mr. McMahon:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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I am writing to request that this Court permit the National Federation of the Blind to speak briefly in favor of the proposed settlement at the fairness hearing in the above referenced matter scheduled for February 18, 2010. Our statement of interest follows.

The National Federation of the Blind (NFB) is the largest national membership organization of blind people in the United States. The NFB is a nonprofit corporation duly organized under the laws of the District of Columbia with its principal place of business in Baltimore, Maryland. It has affiliates in all fifty states; Washington, D.C.; and Puerto Rico. The vast majority of the approximately 50,000 members are blind persons. The NFB is widely recognized by the public, Congress, executive agencies of government, and the courts as the most significant collective and representative voice on behalf of blind Americans and their families. The purpose of the NFB is to promote the general welfare of the blind by (1) assisting the blind in their efforts to integrate themselves into society on terms of equality and (2) removing barriers and changing social attitudes, stereotypes, and mistaken beliefs that sighted and blind persons hold.

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concerning the limitations created by blindness, resulting in the denial of opportunity to blind persons in virtually every sphere of life.

The NFB and many of its members have long been actively involved in promoting adaptive technology and ensuring the accessibility of information for the blind, so that blind persons can live and work independently in today's technology-dependent world.

In recent years, recognizing the potential digital books have to offer the blind, the NFB has focused significant attention and resources on ensuring that digital materials are accessible to the blind. Because the terms of the proposed settlement require that all books under the agreement be accessible to the blind, if this Court approves the settlement, the NFB and its members, as well as the estimated thirty million Americans who cannot read print due to other disabilities, will benefit from unprecedented access to information.

The terms of the settlement allow Google to provide the material it offers users "in a manner that accommodates users with print disabilities so that such users have a substantially similar user experience as users without print disabilities." A user with a print disability under the agreement is one who is "unable to read or use standard printed material due to blindness, visual disability, physical limitations, organic dysfunction, or dyslexia." The settlement, if approved, will therefore bring the printed word to as many as thirty million Americans who currently have limited access to it. Blind people will be able to search for books through the Google Books interface and purchase, borrow, or read at a public library any of the books that are available to the general public, in a format that is compatible with text enlargement software, text-to-speech screen access software, and refreshable Braille devices. If this settlement is approved, blind people will have greater access to books than we have ever had in human history.

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Currently, the blind have access to a relatively sparse selection of titles produced by government and nonprofit organizations dedicated to serving our needs. The primary source of reading material for most blind Americans is the National Library Service for the Blind and Physically Handicapped of the Library of Congress. While this service has done an outstanding job of providing books to the blind within budgetary constraints, it has, at most, perhaps 70,000 circulating titles in its collection. Furthermore, even if all methods of providing content in a format accessible to the blind, including commercial audio books, are taken into consideration, it is estimated that only 5 percent of the books published each year are ever produced in a format that can be used by the blind or others with print disabilities.

While the blind have for years been tantalized by the promise of greater access through e-books, which are inherently accessible, the sad fact is that no other provider of e-books has yet made its offerings accessible to the blind. Instead, publishers distribute their e-books through inaccessible devices and platforms, use digital rights management schemes to prevent screen access technology and other methods used by the blind from accessing these books, or both. Prior to this landmark settlement agreement, neither authors and publishers nor any entity promoting e-book technology had ever consented to any system that would make such a large number of books immediately accessible to the blind and other Americans with print disabilities. The Google settlement therefore represents the only present prospect for blind people to access electronic texts. It is our hope and belief that the settlement will also represent a paradigm shift that will encourage other publishers and e-book distributors to make accessibility a priority.

Libraries are currently distributing e-books to borrowers. An increasing number of universities require students to use e-textbooks. Some state governments are contemplating replacing printed books with e-textbooks. The e-book market is expanding rapidly, and the Google settlement represents the only substantial effort to make this form of information usable by the blind. The technology exists to make all of this distributed information readily accessible to the blind. Unless an immediate effort to implement

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such a system is pursued, however, the result for employment for blind people will be devastating. Already the lack of information has meant that fewer than 50 percent of blind people in their school years will graduate from high school. Already the lack of information has contributed to an unemployment rate for the blind in excess of 70 percent. Already the lack of information has prevented blind students from being able to matriculate in college courses of their choosing. Blind people are willing to pay for books, but they must be books we can read. The proposed Google settlement is a promise that this magnificent notion may become real.

For the foregoing reasons, the National Federation of the Blind respectfully requests the opportunity to address the court briefly at the February 18 fairness hearing regarding the proposed settlement in this matter. Our position is further explicated in the amicus brief we have submitted along with seven other organizations representing the blind or others with print disabilities. If the court has further questions or concerns, we are happy to cooperate. I can be reached at 200 East Wells Street, Baltimore, Maryland, 21230; or by telephone at (410) 659-9314.

Sincerely,



Marc Maurer, President
NATIONAL FEDERATION OF THE BLIND

MM/wmb